

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

FELTON GRAY,

Petitioner,

Civil No. 07-6087-AA

v.

ORDER

STATE OF OREGON,

Respondent.

AIKEN, District Judge.

Petitioner, an inmate in the custody of the Oregon Department of Corrections filed a petition under 28 U.S.C. § 2254, challenging the legality of a compensatory fine imposed as a result of his criminal conviction.

Respondent's un-controverted Response (#17) and Answer (#18) establish that petitioner previously filed a habeas petition regarding the conviction at issue in this proceeding in Gray v. Belleque, Civ. No. 04-1199-HO. The District Court denied petitioner's petition in that proceeding and the Ninth Circuit Court of Appeals affirmed.

Petitioner has not obtained the permission of the Court

of Appeals to file a second or successive petition as required by 28 U.S.C. § 2244(b)(3)(A). Accordingly this court does not have jurisdiction to consider the petition. Cooper v. Calderon, 274 F.3d 1270 (9th Cir. 2001).

Petitioner's Amended Petition (#13) is denied without prejudice to re-file after petitioner has met the requirement of 28 U.S.C. § 2244(b)(3)(A).

This proceeding is dismissed.

IT IS SO ORDERED.

DATED this 1st day of July, 2008.

/s/ ANN AIKEN
Ann Aiken
United States District Judge